

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of Petition for Reinstatement:

Dee Ann Sojka

Respondent.

OAH No. L2004110159

DECISION

The attached Proposed Decision of the Board of Registered Nursing is hereby adopted as its Decision in the above-entitled matter.

This Decision shall become effective on March 1, 2005.

IT IS SO ORDERED this 28th day of January, 2005.

Sandra R. Erickson

President
Board of Registered Nursing
Department of Consumer Affairs
State of California

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of Petition for Reinstatement:

OAH No. L2004110159

DEE ANN SOJKA

Petitioner,

DECISION

This matter was heard by a quorum of the Board of registered Nursing on December 2, 2004, in Glendale, California. Administrative Law Judge Humberto Flores from the Office of Administrative Hearings presided.

Sharon F. Cohen, Deputy Attorney General, represented the Department of Justice.

Petitioner, Dee Ann Sojka, appeared personally and represented herself.

Oral and documentary evidence was received and the matter was submitted for decision. The Board of Registered Nursing finds as follows:

FACTUAL FINDINGS

1. On October 15, 2004, (Petitioner) filed a Petition for Reinstatement.
2. On November 30, 1986, The Board of Registered Nursing issued Registered Nurse License No. 407119 to petitioner.
3. By Decision in Case No. 2003-1-5, effective September 23, 2003, the Board of Registered Nursing revoked Petitioner's Registered Nurse License.
4. The above Decision was based was on findings that Petitioner suffered from a mental illness that affected her competency to discharge her duties a registered nurse. Petitioner's license was revoked pursuant to Business and Professions Code section 822.

5. Petitioner suffers from depression. Her illness has caused her to have bouts of emotional distress and confusion, and to engage in inappropriate behavior. The Board is particularly concerned that Petitioner engaged in inappropriate behavior and exhibited confusion where she was employed as a registered nurse.

6. Petitioner did not present evidence that she has addressed her mental health problems. Petitioner failed to submit an evaluation from her treating psychiatrist and/or psychologist. In addition to concern for Petitioner's mental health, the Board is also concerned that it has only been 30 days since Petitioner last imbibed alcoholic beverages.

LEGAL CONCLUSIONS

Cause does not exist to grant the Petition for Reinstatement submitted by Dee Ann Sojka, under Business and Professions Code Section 2760.1, subdivision (e), by reason of findings 5 and 6.

ORDER

The Petition for Reinstatement submitted by Dee Ann Sojka is denied.

DATED: January 28, 2005

Sandra Erickson
SANDRA ERICKSON, CRNA
President
Board of Registered Nursing

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

DEE ANN SOJKA
a.k.a. DEE ANN SOJKA CHANG

Registered Nurse License No. 407119

Respondent.

Case No. 2003-1-5

OAH No. N 2003010210

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby
adopted by the Board of Registered Nursing as its Decision in the above-entitled matter.

This Decision shall become effective on SEPTEMBER 23, 2003.

IT IS SO ORDERED AUGUST 22, 2003.

Sandra L. Erickson

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

DEE ANN SOJKA
a.k.a. DEE ANN SOJKA CHANG

Registered Nurse License No. 407119

Respondent.

Case No. 2003-1-5

OAH No. N 2003010210

PROPOSED DECISION

This matter was heard by Ruth S. Astle, Administrative Law Judge of the Office of Administrative Hearings, State of California on May 13, 2003 in Oakland, California.

Rebecca M. Heinstein, Deputy Attorney General, represented the complainant.

Respondent Dee Ann Sojka was present and represented herself.

Submission of the matter was deferred to May 30, 2003 for receipt of further documents which were received and considered.

FACTUAL FINDINGS

1. Ruth Ann Terry, M.P.H., R.N., made this accusation in her official capacity as the Executive Officer of the Board of Registered Nursing (Board) and not otherwise.

2. On November 30, 1986, the Board issued Registered Nurse License Number 407119 to Dee Ann Sojka, aka Dee Ann Sojka Chang (Respondent). The license will expire on May 31, 2004 unless otherwise renewed.

3. On June 18, 2002, respondent was examined by clinical psychologist Cynthia J. Neuman, Ph.D. As a result of this examination, Dr. Newman concluded that respondent suffers from Major Depression. Respondent's condition can become severe. Respondent's depression renders her vulnerable to emotional distress and confusion, impulsivity and episodes of poor judgment. Respondent has a history of inappropriate behavior. She denies the severity of her illness. This illness is longstanding. Dr. Neuman concluded that respondent's mental illness makes her a risk for unsafe practice as a registered nurse.

4. Respondent exhibited extremely disturbed behavior on January 12, 2000, when respondent refused to leave Sutter Delta Hospital after she was told that she was not scheduled for a shift that day. Security had to be called to convince respondent to leave. Respondent again exhibited extremely disturbed behavior when she appeared at the office of the nurses registry where she had been receiving her assignments. She refused to leave and kept looking to see if she was being followed.

5. Respondent went through a difficult dissolution of her marriage and lost custody of her children. She is working toward having her parental rights restored. Respondent did not provide letters demonstrating that she has a personal support system.

6. Respondent is presently employed by Mt. Diablo Medical Center as a Registry Nurse. Respondent has had increasing positive work evaluations. However, working through a registry is not adequate to truly evaluate the safety of a registered nurse's practice.

7. Respondent has been seeing a psychologist since November 21, 2002¹. He agrees with Dr. Neuman's assessment of respondent at the time it was made. He also acknowledges that it is impossible to predict future behavior and that the best indicator is past behavior. While respondent has never been accused of harming a patient, her behavior has been directly related to the practice of nursing.

8. Respondent's behavior at the hearing indicated that she was suspicious and unwilling to be candid about her problems. There was an indication that respondent had a problem with alcohol abuse, but she was unwilling or unable to give details. It was also indicated that respondent was referred to a psychiatrist for an evaluation. However, there was no report from a psychiatrist and there was an indication that respondent has refused to take medication that was recommended by the psychiatrist to manage her illness.

9. Based on all the evidence taken together, it would not be in the public interest to allow respondent to practice nursing until she can demonstrate that her illness is under control. Respondent has taken significant steps toward the stabilization of her condition, but there are still serious problems that have not been resolved. Respondent cannot be considered safe to practice at this time.²

LEGAL CONCLUSIONS

By reason of the matters set forth in Findings 3 through 9, cause for revocation of respondent's license exists pursuant to Business and Professions Code section 822. Respondent has a mental illness affecting her competency.

¹ The report dated May 26, 2003 indicates that respondent began treatment on November 21, 2003. However, based on the other significant dates in this case that date must be a typographical error and it is assumed that the correct date is November 21, 2002.

² No request was made for costs.

ORDER

Registered Nurse License No. 407119 issued to Dee Ann Sojka a.k.a. Dee Ann Sojka Chang is hereby revoked.

DATED: 6/13/03

Ruth S. Astle

RUTH S. ASTLE
Administrative Law Judge
Office of Administrative Hearings

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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. *2003-102*

11 **DEE ANN SOJKA**
12 **aka DEE ANN SOJKA CHANG**
13 P.O. Box 606
Sacramento, CA 95814

A C C U S A T I O N

14 Registered Nurse License No. 407119

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
19 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
20 Department of Consumer Affairs.

21 2. On or about November 30, 1986, the Board of Registered Nursing issued
22 Registered Nurse License Number 407119 to Dee Ann Sojka, aka Dee Ann Sojka Chang
23 ("Respondent"). The Registered Nurse License was in full force and effect at all times relevant
24 to the charges brought herein and will expire on May 31, 2004, unless renewed.
25

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Registered Nursing
28 ("Board"), Department of Consumer Affairs under the authority of the below mentioned statutes

1 and regulations.¹

2 STATUTORY PROVISIONS

3 4. Section 2750 of the Business and Professions Code ("Code") provides, in
4 pertinent part, that the Board may discipline any licensee, including a licensee holding a
5 temporary or an inactive license, for any reason provided in Article 3 (commencing with section
6 2750) of the Nursing Practice Act.

7 5. Section 2764 of the Code provides, in pertinent part, that the expiration of
8 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
9 against the licensee or to render a decision imposing discipline on the license. Under section
10 2811(b) of the Code, the Board may renew an expired license at any time within eight years after
11 the expiration.

12 6. Section 820 of the Code states:

13 "Whenever it appears that any person holding a license, certificate or permit under
14 this division or under any initiative act referred to in this division may be unable to practice his
15 or her profession safely because the licentiate's ability to practice is impaired due to mental
16 illness, or physical illness affecting competency, the licensing agency may order the licentiate to
17 be examined by one or more physicians and surgeons or psychologists designated by the agency.
18 The report of the examiners shall be made available to the licentiate and may be received as
19 direct evidence in proceedings conducted pursuant to Section 822."

20 7. Section 822 of the Code states:

21 "If a licensing agency determines that its licentiate's ability to practice his or her
22 profession safely is impaired because the licentiate is mentally ill, or physically ill affecting
23 competency, the licensing agency may take action by any one of the following methods:

24 (a) Revoking the licentiate's certificate or license.

25 (b) Suspending the licentiate's right to practice.

26

27

28 1. All statutory references are to the Business and Professions Code ("Code") unless
otherwise indicated.

- 1 (c) Placing the licentiate on probation.
2 (d) Taking such other action in relation to the licentiate as the licensing agency in
3 its discretion deems proper."

4 **CAUSE FOR DISCIPLINE**

5 **(Mental Illness Affecting Competency)**

6 8. Respondent is subject to disciplinary action under section 822 of the Code
7 in that her ability to practice safely is impaired due to Respondent's mental illness affecting her
8 competency, as follows:

9 a. On or about June 18, 2002, Respondent was examined, pursuant to section
10 820 of the Code, by Clinical Psychologist Cynthia J. Neuman, Ph.D. As a result of said
11 examination, Dr. Neuman concluded that Respondent suffers from the diagnosis of Major
12 Depression.

13 b. Dr. Neuman further concluded that Respondent's depression "renders her
14 vulnerable to emotional distress and confusion, impulsivity, and episodes of poor judgment." Dr.
15 Neuman found that Respondent had a "history of inappropriate behavior," was "denying the
16 severity of her psychological disturbance," and had a "longstanding and severe psychological
17 disturbance."

18 c. Dr. Neuman opined that due to Respondent's mental illness, she was at
19 risk for unsafe practice as a registered nurse.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 407119, issued to Dee Ann Sojka, aka Dee Ann Sojka Chang;

2. Taking such other and further action as deemed necessary and proper.

DATED: 11/7/02


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant